Fv/

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,652	08/31/2001	William P. Price	K35A0796	1789 '

26332	7590	02/17/2006

WESTERN DIGITAL TECHNOLOGIES, INC.
ATTN: SANDRA GENUA
20511 LAKE FOREST DRIVE
E-118G - INTELLECTUAL PROPERTY DEPARTMENT
LAKE FOREST, CA 92630

EXAMINER
USTARIS, JOSEPH G

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-61* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-61* is/are rejected.

7) ☒ Claim(s) *22* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *8/31/2001* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail. Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claim 22 is objected to because of the following informalities: line 2 of claim 22

recites "rating source 162". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 14, 17-21, 23, 28-32, 35-39, and 45-48 are rejected under 35

U.S.C. 102(b) as being anticipated by Young et al. (US005808608A).

Regarding claim 1, Young et al. (Young) discloses a client terminal connectable

to a video distribution system and a display device (See Fig. 22a and 22b). The video

distribution system provides program guide information to create a program guide (See

Figs. 1-6; column 17 lines 37-53) that includes program listings (See Figs. 1-6) and

provides program rating data (See column 8 line 53 – column 9 line 5) that is associated

with rating sources (Critique Star ratings and MPAA rating, e.g. PG, G, etc.). The client

terminal comprises a video distribution system interface to receive the program guide

information and the program rating data (See Fig. 22a, 216 or Fig. 22b, 205), a display

interface to display the program guide on the display device (See Fig. 22a, 218 or Fig.

22b, 260), a user interface to receive user input (See Figs. 22a and 22b, 212 and 264),

a local memory to store a ranking program (See Figs. 14 and 22a, 232, 240), and a

terminal controller responsive to the user interface and the ranking program (See Fig.

22a, 180 or Fig. 22b, 220). The controller allows the user to select a rating source from

a list of rating sources on the display device via user input (See Fig. 14, MPAA rating

(e.g. G, PG, NR, R) and/or Critique star ratings (e.g. ****, ***, **, *)) and ranking

program listings based upon program rating data associated with the selected rating

source (See Fig. 14; column 14 lines 30-64), wherein the ranking program would only

list the programs meeting the ratings over the programs that don't meet the ratings. The

system displays the ranked program listing in the program guide on the display device

(See Figs. 22a, 22b; column 14 line 30 – column 15 line 23).

Regarding claim 2, the program guide would list programs that meet the star

ratings or "critic rating" over programs that didn't meet the star ratings or "the program

listings are ranked by the selected critic rating source and displayed in the program

guide" (See Fig. 14; column 14 line 30 – column 15 line 23).

Regarding claim 3, the program guide would list programs that meet the MPAA

ratings or "virtual critic rating source...associated with a plurality of critics" over

programs that didn't meet the MPAA ratings or "the program listings are ranked by the

selected virtual critic rating source and displayed in the program guide" (See Fig. 14;

column 14 line 30 – column 15 line 23).

Regarding claim 5, the system further comprises a preference engine (See Fig.

14).

Regarding claim 14, the client terminal is coupled to the video distribution system

by a cable line that provides a persistent connection (See Figs. 22a and 22b, 205).

Regarding claim 17, when the user selects the star ratings to rank the programs,

the program guide will use the "critic profile" and the program ratings to list programs

meeting the stars rating of the "critic profile" on the program guide over the programs

that did not meet the stars rating of the "critic profile" or "the terminal controller

responsive to the ranking program to rank and display the program listings in the

program guide" (See Fig. 14; column 14 line 30 – column 15 line 23).

Regarding claim 18, when the user selects the MPAA ratings to rank the

programs, the program guide will use the "virtual critic profile" and the program ratings

to list programs meeting the MPAA rating of the "virtual critic profile" on the program

guide over the programs that did not meet the MPAA ratings of the "virtual critic profile"

or "the terminal controller responsive to the ranking program to rank and display the

program listings in the program guide" (See Fig. 14; column 14 line 30 – column 15 line

23).

Claim 19 contains the limitations of claim 1 (where inherently the program guide

is written as a "computer program" embodied in a "computer readable storage medium"

in order for the system to successfully perform its functions (See Figs. 22a and 22b))

and is analyzed as previously discussed with respect to that claim.

Claim 20 contains the limitations of claims 2 and 19 and is analyzed as

previously discussed with respect to those claims.

Claim 21 contains the limitations of claims 3 and 19 and is analyzed as previously discussed with respect to those claims.

Claim 23 contains the limitations of claims 5 and 19 and is analyzed as previously discussed with respect to those claims.

Regarding claim 28, the system creates a critic profile based upon program rating data associated with a critic from a critic ratings source (See Young Fig. 14, Critique star ratings (e.g. ****, ***, **, *)).

Regarding claim 29, the terminal controller responsive to the ranking program applies the "critic profile" to the program guide information to create program rating data associated with the "critic profile" to rank and display the program listings (See Young Fig. 14; column 14 line 30 – column 15 line 23).

Regarding claim 30, the system creates a virtual critic profile based upon program rating data associated with a plurality of critics from a critic ratings source (See Young Fig. 14, MPAA rating (e.g. G, PG, NR, R)).

Regarding claim 31, the terminal controller responsive to the ranking program applies the "virtual critic profile" to the program guide information to create program rating data associated with the "virtual critic profile" to rank and display the program listings (See Young Fig. 14; column 14 line 30 – column 15 line 23).

Claim 32 contains the limitations of claims 14 and 19 and is analyzed as previously discussed with respect to those claims.

Claim 35 contains the limitations of claims 17 and 19 and is analyzed as previously discussed with respect to those claims.

Claim 36 contains the limitations of claims 18 and 19 and is analyzed as previously discussed with respect to those claims.

Claim 37 contains the limitations of claims 1 and 19 (wherein the system performs the method) and is analyzed as previously discussed with respect to those claims.

Claim 38 contains the limitations of claims 2, 20, and 37 and is analyzed as previously discussed with respect to those claims.

Claim 39 contains the limitations of claims 3, 21, and 37 and is analyzed as previously discussed with respect to those claims.

Claim 45 contains the limitations of claims 28 and 37 and is analyzed as previously discussed with respect to those claims.

Claim 46 contains the limitations of claims 29 and 45 and is analyzed as previously discussed with respect to those claims.

Claim 47 contains the limitations of claims 30 and 37 and is analyzed as previously discussed with respect to those claims.

Claim 48 contains the limitations of claims 31 and 47 and is analyzed as previously discussed with respect to those claims.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4, 6-13, 15, 16, 22, 24-27, 33, 34, 40-44, and 49-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (US005808608A) in view of Shah-Nazaroff et al. (US006317881B1).

Claim 4 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. However, Young does not disclose that listings are ranked using an "aggregated subscriber rating source" that is based upon the aggregated usage characteristics.

Shah-Nazaroff et al. (Shah) discloses a system for collecting and providing viewer feedback to a broadcast. Shah discloses that the system collects rating information from multiple viewers or "aggregated subscriber rating source that includes program rating data based upon the aggregated usage characteristics of other subscribers" (See column 2 line 42 – column 3 line 21). The other subscriber's ratings are used to rank the listings or "program listings are ranked by the selected aggregated subscriber rating source" (See column 5 lines 9-65). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Young to collect and provide viewer ratings or "aggregated subscriber rating source" that is used to rank the listings, as taught by Shah, in order to provide viewers with a more accurate ratings source that will aid the viewers in locating programs that more tailored to their interests (See column 1 lines 45-61).

Regarding claim 6, the system creates a viewer characteristics file or "user profile based upon a user's viewing patterns" (See Shah column 3 line 63 – column 4 line 19).

Regarding claim 7, the terminal controller responsive to the ranking program applies the viewer characteristics file to the program guide information to create program rating data associated with the user profile to rank and display the program listings (See Shah column 4 lines 20-42 and column 5 lines 9-53).

Regarding claim 8, the system creates a "aggregated user profile" based upon a plurality of user profiles for a plurality of users, each profile being based upon each user's viewing patterns (See Shah column 2 line 42 – column 3 line 21 and column 3 line 55 – column 4 line 42).

Regarding claim 9, the terminal controller responsive to the ranking program applies the "aggregated user profile" to the program guide information to create program rating data associated with the "aggregated user profile" to rank and display the program listings (See Shah column 4 lines 20-42 and column 5 lines 9-53).

Regarding claim 10, the system creates a critic profile based upon program rating data associated with a critic from a critic ratings source (See Young Fig. 14, Critique star ratings (e.g. ****, ***, **, *)).

Regarding claim 11, the terminal controller responsive to the ranking program applies the "critic profile" to the program guide information to create program rating data associated with the "critic profile" to rank and display the program listings (See Young Fig. 14; column 14 line 30 – column 15 line 23).

Regarding claim 12, the system creates a virtual critic profile based upon program rating data associated with a plurality of critics from a critic ratings source (See Young Fig. 14, MPAA rating (e.g. G, PG, NR, R)).

Regarding claim 13, the terminal controller responsive to the ranking program applies the "virtual critic profile" to the program guide information to create program rating data associated with the "virtual critic profile" to rank and display the program listings (See Young Fig. 14; column 14 line 30 – column 15 line 23).

Claim 15 contains the limitations of claims 6 and 7 and is analyzed as previously discussed with respect to those claims. Furthermore, Shah discloses that the viewer characteristics file or "user profile" is stored within the "video distribution system" and is received by the "client system" at a number of locations or "client terminal receives program rating data associated with the selected user profile from the video distribution system" (See Shah column 3 line 63 – column 4 line 19).

Claim 16 contains the limitations of claims 8 and 9 (wherein the program guide server 170 receives feedback/ratings from multiple viewers or "aggregated user profile" and provides the ratings to "client systems" within the system or "client terminal receives program rating data associated with the aggregated user profile from the video distribution system" (See Shah column 3 line 63 – column 4 line 42)) and is analyzed as previously discussed with respect to those claims.

Claim 22 contains the limitations of claims 4 and 19 and is analyzed as previously discussed with respect to those claims.

Claim 24 contains the limitations of claims 6 and 23 and is analyzed as previously discussed with respect to those claims.

Claim 25 contains the limitations of claims 7 and 24 and is analyzed as previously discussed with respect to those claims.

Claim 26 contains the limitations of claims 8 and 23 and is analyzed as previously discussed with respect to those claims.

Claim 27 contains the limitations of claims 9 and 26 and is analyzed as previously discussed with respect to those claims.

Claim 33 contains the limitations of claims 15 and 19 and is analyzed as previously discussed with respect to those claims.

Claim 34 contains the limitations of claims 16 and 19 and is analyzed as previously discussed with respect to those claims.

Claim 40 contains the limitations of claims 4 and 37 and is analyzed as previously discussed with respect to those claims.

Claim 41 contains the limitations of claims 6 and 37 and is analyzed as previously discussed with respect to those claims.

Claim 42 contains the limitations of claims 7 and 41 and is analyzed as previously discussed with respect to those claims.

Claim 43 contains the limitations of claims 8 and 37 and is analyzed as previously discussed with respect to those claims.

Claim 44 contains the limitations of claims 9 and 43 and is analyzed as previously discussed with respect to those claims.

Claim 49 contains the limitations of claims 1, 19, and 37 and is analyzed as previously discussed with respect to those claims. Furthermore, Shah also discloses a video distribution system controller and memory to store a ranking program and rating sources (See Shah Fig. 1, 170; column 3 line 5 – column 4 line 54). The video

distribution system controller also ranks program listings based upon program rating

data associated with the selected ratings source and commands the client terminal to

display the ranked program listings in the program guide of the display device (See

Shah column 3 line 5 – column 6 line 22).

Claim 50 contains the limitations of claims 2 and 49 and is analyzed as

previously discussed with respect to those claims.

Claim 51 contains the limitations of claims 3 and 49 and is analyzed as

previously discussed with respect to those claims.

Claim 52 contains the limitations of claims 4 and 49 and is analyzed as

previously discussed with respect to those claims.

Claim 53 contains the limitations of claims 5 and 49 and is analyzed as

previously discussed with respect to those claims.

Claim 54 contains the limitations of claims 6 and 53 and is analyzed as

previously discussed with respect to those claims.

Claim 55 contains the limitations of claims 7 and 54 and is analyzed as

previously discussed with respect to those claims.

Claim 56 contains the limitations of claims 8 and 53 and is analyzed as

previously discussed with respect to those claims.

Claim 57 contains the limitations of claims 9 and 56 and is analyzed as

previously discussed with respect to those claims.

Claim 58 contains the limitations of claims 10 and 53 and is analyzed as

previously discussed with respect to those claims.

Claim 59 contains the limitations of claims 11 and 58 and is analyzed as previously discussed with respect to those claims.

Claim 60 contains the limitations of claims 12 and 53 and is analyzed as previously discussed with respect to those claims.

Claim 61 contains the limitations of claims 13 and 60 and is analyzed as previously discussed with respect to those claims.

Conclusion

4.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph G. Ustaris whose telephone number is 571-272-7383. The examiner can normally be reached on M-F 7:30-5PM; Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/JGU
February 13, 2006

CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600